AN

ANSWER

TO

Monsieur Talon's PLEA,

Published at *PARIS*.

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Exod. 21. 17.
Qui maledixerit Patri suo.
He that curseth his Father.

Exod. 22. 28.
Principi populi tui non maledices.
You shall not curse the head of your people.

Ambros. in Psalm. 118.
Vere frustra impugnatur, qui apud impios & infidos impietatis arcessitur, cum fidei sit Magister.
He truly is opposed in vain, who by the Wicked and Unfaithfull is asperſed with impiety, when he is indeed the master of our Faith.

With Allowance.

LONDON,

Printed, and Sold by *Randal Taylor*, near *Stationers-Hall*, 1688.

An Answer to Monsieur Talon's *Plea, Published at* Paris.

HEre has appeared some days ago, a Plea of *Monsieur Talon's*, at the head of a Decree of the Parliament of *Paris*, issued against a Bull of our Lord the Pope, which Excommunicates all those who under pretence of pretended Franchises, shelter all sorts of Villains, Banditts, and Assassinates, and hinder the course of Justice in the City of *Rome*.

If this Paper had not appeared publickly in *Paris* in the name of the Parliament, we should never have believed that under a Prince of that wisdom and Zeal for the Catholick Faith, as his Most Christian Majesty has ever appeared to be, any man durst have published such a Pamphlet as this, that looks rather like a defamatory Libell, fill'd with injuries against the Pope and the Apostolick See, then like the Plea of an Advocate-General, that has spent his Age in the Profession of Eloquence and Law.

This Magistrate in his Youth, spoke of the Church of *Rome* but from the Memorialls of *Dr Launoy*, who never had other end in his Writings then to lessen the Sovereign Authority of the Pope: It was hoped that Age and Experience would have tempered by this time that Critical and Morose humour of his, which made him heretofore Write with so little Moderation of the Sacred See.

And we might have thought that the Clergy of *France*, having so vigorously remonstrated, and so notably complained of a Plea of his he made above Twenty years ago, in which he had advanced Propositions so absolutely Erroneous, and so injurious to the Church of God, that the Bishops of *France* openly Taxed 'em with Heresy and Schism, he would not have presumed to have pull'd upon himself again; not only the just indignation of those Venerable Prelates, but indeed the Clamour of the whole Catholick Church, for Violating that Sacred Respect, which has ever from all good Christians been due to the Vicar of Christ, and the Visible Head of the Church.

Besides, the Advocate speaking upon this occasion, only in Complyance with the Ministers of the King, we had some ground to expect more Modesty from him. But whether it were that he acted by order of the Court,

or that he Indulged that Extravagant humour of his, ever contrary to the *Roman Church*, 'tis certain he never with more Liberty was transported against the Pope and the Sacred See, then in this last Plea of his. We might have thought that in a matter of this importance, and a Controversy that has made such a Noise in the World, as this of the Franchises has done, a Man of Learning and Parts, would have examined the matter in question to the bottom; would have established the Pretensions of *France* by Arguments of some force; would have brought us Presidents from Authentique History; would have given us Reasons well grounded in Law, and so with some Colour at least have asserted those unjust and Chymerical pretensions which aim at the power of exercising Acts of Sovereignty in the middle of other Lands then his own, and in the Capital City of another Prince's Dominions: for indeed the right which *Monsieur Talon* maintains, is nothing else but this: To be able to tye the hands of a Sovereign Prince in his own State; to be able to exercise an Absolute Sovereignty in a place where he has no Authority at all: to be able to give shelter, and allow impunity to all Criminals whatsoever: to be able to Authorize all sorts of Disorders in a City which (as *Monsieur Lavardin* was pleas'd to call it) is the general Countrey of all good Christians, and where consequently good Order and exact Government are more necessary then in any part of the World. In a word, 'tis to be able to expose that infinity of Persons which come to *Rome* from all parts of the World, to all sorts of Insolencies and Injuries without their being any ways able to demand Justice or to secure themselves. This in short is the substance of that right of Franchises or Priviledges which the Ambassadour of *France* pretends to have at his particular House within the Walls of *Rome*. A right so odious and so abominable, if we consider the consequences well, that though the Most *Christian* King had all the right in the world on his side, yet that Piety and Justice which God and the World expects from such a Prince as he, would oblige him voluntarily to renounce it, that he might not be one day forced to answer both to God and Man for that infinity of Crimes and Villanies that this pretended Priviledge of his not only permits, but Authorizes too. And yet in this Discourse of *Monsieur Talon*, we cannot find so much as the least Argument, nor proof of any thing he affirms: We see nothing here of that Pompous and borrowed erudition, which he makes so much use of in his other Discourses; He makes but little use here of those large common places, of the enterprises of the Court of *Rome*, and of the Priviledges of the *Gallican* Church: this Plea of his is nothing but a bitter and perpetual Satyr against the Pope and the Sacred See of *Rome*. He never goes about to prove (as so bold an Assertor of Novelty ought to have done) that from the first beginning of the Monar-

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thy of *France*, the King had always enjoyed such a Privilege as this in *Rome*, never offers to tell us how and in what manner those Priviledges of *France* by their Kings were made use of in all times; but thinks it sufficient to say, that That Privilege is a Right of the *French* Crown, from which this King desires the world to believe he will never depart. He affirms that neither Kings, nor their Ambassadors can be Excommunicated by the Pope, but never takes upon him to prove it, no more then he does to shew us that pretended injustice of the Interdict of the Church of St. *Lewis* in *Rome*: he thinks it seems a shorter and faciler way of dispute, barely to say with a definitive Gravity, *Here's a great abuse*; *This Wounds the Liberty of* France; but reasons that might satisfy such Intelligent and Learned men as may not only read, but search perhaps into the bottom of such a Controversy as this, he gives none at all. So that in all appearance this will at last be the fate of this famous Advocate so much vaunted of in the *Gazette* of *France*, that this Plea of his will give all Hereticks and Enemies of the Church an excellent occasion to triumph, All Learned and Intelligent men good ground to despise him; All Good Catholicks that are firm in the Communion of the Catholick Church sufficient cause to look upon him with Indignation and Horror: Evil men themselves will blush at his Confidence, and the Good will not be able to read him without tears; when they shall consider that under a King that professes so great moderation and wisdom, such a declaimer as this shall be suffered to appear with such Insolence against the head of the Church, and take the Confidence to Publish such Schismatick Propositions against the Pope, and the Church of *Rome*.

But this above all must needs be to all Good Catholicks a most insupportable grief, to see that those very men in whose hands the King trusts all the Ecclesiastical affairs of his Kingdom, as well as those chief Ministers he employs at *Rome*, are so far from blaming these rash and ill-considered Propositions of this Advocate-General, that they are the principal fomentors of this Rebellion against the Sacred See, the only Authors and Promoters of those unworthy calumnies against his Holiness, and the men that most rejoyce to see that grand Reputation which this Excellent Pope throughout his whole Reign by so many great and glorious actions had acquired, not only amongst Catholicks, but in all Nations else, even among Schismaticks themselves, whilst his Enemies honour him, whilst Separatists love him, whilst all Christians admire him; that That Reputation of his, should be by Catholicks publickly, and shamefully torn in the face of a Catholick Country, and under a Most Christian King.

I have endeavoured all I can to put this Libell into some kind of order, that I might give the Reader a true Idea of the whole piece, and so

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the more exactly have examined it some and some; but this Advocate is so little a Friend to Order and Method in what he Writes, that we must refute his Arguments but as we find 'em, and take 'em as they come.

His whole Plea seems to consist of these Principal Heads.

The Advocate's outrageous injuries against the Pope; His Complaints of the Pope's Conduct in the affairs of *France*; The Errors he broaches against the Authority of the *Roman* Church, that Mother and Mistress of all others; The pittifull Chicanneries he employs to give the King of *France* those Cymerical Rights contrary to all Laws Humane and Divine, and such as the basest of Flatterers never allow'd him 'till now.

This is as near as I can collect the sum of his Plea. The first Calumny with which *Monsieur Talon* reproaches the Pope, is this: That his Holiness has been conceived this many years to have had a design to declare himself Enemy to *France*, still favouring those who either were Enemies, or were jealous at least of the greatness and power of that King. Since this Advocate has aspersed his Holiness with so black a Calumny as this, it might be very well expected he should give us some proof of what he says; let him shew therefore what leagues the Pope has made with the Enemies of *France*. Let him tell us in what ill Enterprize, or in what violent action this Pope has been concerned. But he can shew us no such thing. This Pope never took any thing so much to heart as the Uniting of the Christian Princes, nor ever desired any thing more then to give the King of *France* all the signs imaginable of his particular esteem, and Paternal affection. As for Leagues this Pope never made any, but that Holy one of as many Christian Princes as could, by the best endeavours he was able to use, be induced to oppose the *Ottoman* Emperour, that Common Enemy of Christendom; where those miraculous Successes of the Christian Arms have sufficiently demonstrated how much the endeavours of so good a Pope were seconded by extraordinary blessings from God. Though his Holiness indeed could not oftentimes without great Tenderness and trouble behold how too too easily a Prince otherwise so Pious, and Just, as his Most Christian Majesty always appeared, whilst he was pleased to follow his own Royal inclinations, did at last absolutely abandon himself to the pernicious Councells of some of his Ecclesiastical Ministers.

With what Charity did this great Pope represent to his Christian Majesty the Injustice Committed, and Injuries done in his name, by extending the *Regalia* upon four Provinces that had ever been free? With what grief did he see so many Holy Bishops and good Priests of the Church, Persecuted so bitterly in the name of his Christian Majesty, for no other Crime then defending the immunities of their several Churches, which the Bishops

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of *France* had for near these Eight Hundred years so generously defended, and so stoutly maintained, and which *Monsieur de Marca*, as devoted as he was to the Court, yet compell'd by the force of truth it self, did ingeniously confess; with what grief did he think of the dissolving of the Institute of the Nuns of the Infancy, which had been Authoriz'd by the Bishops of the Dioceſs, approved by Popes, confirmed by Letters Patents, and that contrary to all Order, and without any regular form of Justice?

What grief was it to him to see on one side the Destruction of the Monastery of *Charonne*, and on the other side, the violent Establishment of Abbesses in the Houses of the *Urbanists*, contrary both to Civil and Canon Law? What grief was it to him, to see what continual Usurpations the Lay-Judges made in *France*, as well upon the Liberties, as Jurisdictions of the Church?

What grief must it have been to him to see how shamefully the Church of *France* was forced to serve under the Yoke of those Persons whose Lives were but too well known; that a Church, I say, where nothing but Liberty is talked of, should be so enslaved to Parliaments which make no scruple at all to take Cognizance of the most Spiritual matters, and to exercise their Jurisdiction upon all holy things with more haughtiness in their Usurped Power, then the legalleſt General Councils ever did, or the Sovereign Popes themselves?

What a grief was it to him to see all the Principal Abbeys as well of the conquered Countries, as of the ample Kingdom of *France* given in great *Commendum* without the Authority of the Church, and contrary to all Canon Law; to see what manifeſt intrusions were Authorized in obliging the Bishops to remove and abandon their Lawfull Spouses, those Flocks to which they properly belonged, into the hands of new Bishops nominated only by the King, whilst they went themselves to govern other Churches that did not belong to their care. To see a Bishop transferr'd make his own Vicar; to see the Chapters, in the vacancies of Bishopricks, not only forced against their will, but in spight of their Conscience too, name for Grand Vicar those whom the King intends to bestow the Bishopricks upon, and banish all such Prebends as refuse to Elect the person which the King had designed to promote.

What trouble was it to him to think that the Bishops of *France*, which formerly by their extraordinary respect, and profoundeſt submission, were so intimately united with the Head of the Church, now instead of applying themselves thither, should declare open War against him? As they did in the Letter to the King sent from the extraordinary Assembly of the Year 1682. Subscribed by all the Bishops, when it never had been read by half

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those that were there. And again in those deliberations that were taken against the Authority of the Sacred See in the Assembly of 1682. Proceedings very different from those the Clergy of *France* at the meeting of the Estates in the Year 1616. published to the World by that admirable mouth of the *Gallican* Church, Cardinal *Peronne*, or from those Articles which were drawn up in the Year 1625. for the re-establishment of the Catholick Faith, and for the restoring the Ecclesiastical Discipline in the Kingdom of *France*. But then the *French* Prelates acted of themselves, and animated with the Spirit of Religion: in these later Assemblies influenced by the Impression of the Court, they acted more like a Caball then an Ecclesiastical Assembly, rather as their fear then as their Reason and Learning directed 'em, which made a Bishop the least scrupulous perhaps in that Assembly of 1682. (giving a Friend of his an account of what had passed there) say not much amiss, that those *French* Bishops had at that time parted with, besides their Wealth, their Honour and Consciences too.

And what trouble do you think it was to him to see the Clergy of *France* once so Orthodoxal and exemplar, that they were by their Piety, and Learning, and Sacerdotal vigour known and distinguish'd from all other men, now so fallen from that Primitive Spirit of theirs, that the Bishops poorly and shamefully abandon their Rights, and the Priviledges of their Churches without ever daring so much as to open their mouths to complain?

But above all, it must needs afflict that Father and Protector of Christianity the Head of the Christian Church, to see so many good Priests, so many Learned Doctors proscrib'd, persecuted, imprison'd, banish'd, and driven from their Benefices and Employments by Letters under the Kings Seal without any Legal Process, without any reason in the world, nay sometimes without so much as acquainting the Bishop of the Dioceſs to whom they belonged: and this only upon those general Accusations of *Jansenism*, which at present, it seems, must be the common ruine of all those good Priests, and all those innocent men which do not relish at Court. Nay though these Ecclesiasticks, to justify themselves positively declare that they do absolutely condemn, and have ever condemned the Doctrine contained in those five condemned Propositions of *Jansenius*; yet they are not to be believed, though certainly in matters of Religion no man without a high injustice can but believe that profession of Faith which every one makes for himself. But they continue still to upbraid 'em, that they are of the Caball; that they are under suspition of *Jansenism*; that their Moral is rotten, and with an infinity of such other terms, which signifies no more in effect but that they are Persons which do not please those who have

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in the Court of *France* the ſuper-intendency of Eccleſiaſtical affairs.

Monſieur Talon complains very much of the *Roman Inquiſition*: But if on the one ſide he did but know how things are carried at that Tribunal, with what attention they hear the accuſations that are brought againſt any man, with what application every mans juſtification and anſwers are examined; with what maturity they decide; and on the other ſide do but reflect how at preſent they try, and judge the Eccleſiaſticks in *France*; how they are Condemned without ever being heard, without ever being made acquainted with what their Adverſaries have againſt 'em, without ever being confronted with their Accuſers and Witneſſes, nay without ſo much as conſulting the Biſhops of the Dioceſs in the matter at all, in a word without any form or ſemblance of juridical proceſs, and only upon a bare letter of —— that in this manner ſo many irreprehenſible Eccleſiaſticks ſhould be detained in horrid Priſons, or ſent away to the remoteſt and ſavageſt parts of the Kingdom of *France* without Money, without any help or comfort whatſoever, and without the leaſt hope of ever returning to their Country again, and without knowing all this while upon what account they ſuffer. *Monſieur Talon* as much as he is prepoſſeſs'd, would, I believe, conclude in his heart at leaſt, though he ſhould not vouchſafe to own the truth publickly, that in *France* we bear a heavier and much more inſupportable Yoke then thoſe at *Rome*; and that the Inquiſition of thoſe ſupreme Miniſters, in whoſe hands his Majeſty of *France* is pleaſed to intruſt the Eccleſiaſtical affairs of this Nation, is without compariſon harder than the Inquiſition of either *Rome* or *Spain*, which in *France* they rail at ſo much, without ever knowing any thing of the proceedings of thoſe Courts: and alas! without making all this while the leaſt reflection upon thoſe ſo violent and irregular proceedings, which are uſed in *France* againſt the beſt and moſt irreprehenſible men, when any of them have the misfortune to have for their Enemies thoſe which are in favour at Court.

The Pope ſaw long ago theſe Miſchiefs, and ſees 'em ſtill, with an infinity of other Evills which would be too tedious to relate. He has ſigh'd for 'em before Almighty God, he has repreſented 'em to the King in his briefs, with all the tenderneſs that his paternal Charity could ſuggeſt; ſome of 'em he declared by his Nuncio's. And if this be, to be Enemy of *France*, to be tenderly concerned at their Miſeries, to ſigh for 'em in the preſence of God, to advertiſe the King out of his Fatherly care, that remedies might be had: If this be, to be Enemy of *France*, to defend the Liberties of the Church, to deſire the Reformation of the Clergy, to endeavour the eaſe of Perſons unjuſtly afflicted, then we will

yield to *Monſieur Talon*, that the Pope is a declared Enemy of *France*; though certainly he can be Enemy no otherwiſe to that State, then a carefull Phiſician is to the Patient he endeavours to recover; or then a wiſe and affectionate Father is to his Child, when he endeavours to make him ſenſible of his faults.

The Second head of *Monſieur Talon's* complaint againſt the Pope, (if yet the Complaint be his) for it has ſo little report with what goes before, and that which comes after, that it looks as if it had been inſerted into the diſcourſe: however it was, he complains in his Second head of this Plea, that the Pope entertains particular correſpondence with all thoſe who formerly were the declared Diſciples of *Janſenius*; that he loads them with his graces and favours, gives great Elogiums of 'em, and declares himſelf their Protector. But who are thoſe declared Diſciples of *Janſenius* upon whom the Pope heaps ſo many graces and favours, of whom he gives ſuch Elogiums, and of whom he declares himſelf the Protector? *Monſieur Talon* ought to clear us that point; but let him have a care when he does it, that he do not appear rather a Calumniator, then any thing elſe, and that he do not openly contradict thoſe Declarations of the King, which forbid him to look upon any of thoſe as *Janſeniſts* or *Sectaries* either, who have ſubmitted to the Conſtitutions of the Pope againſt *Janſenius*, and have not any ways been publickly convicted or condemned upon that account, by the cenſures of an Eccleſiaſtical Judge.

But that you may ſee his inſolence to the full, he has the Confidence to affirm that the Pope ſupports and foments the Caball of the *Janſeniſts*. And this he is ſuffered to ſay in a moſt Chriſtian Kingdom. This is ſuffered to be placed at the head of a Decree that bears the name of the moſt Chriſtian King. And ſuch a Calumny as this goes on and ſpreads without the leaſt notice taken, or any thought had of making ſatisfaction to the head of the Church. And is this the reſpect we ſhew the Pope? Is it thus the Kingdom of *France* acknowledges him? What Prieſt or Biſhop then, let him be as Innocent as he will, can ever hope to ſecure himſelf from ſuch calumnies as theſe, If the Pope, and ſuch a Pope as this, ſo Pious, ſo Zealous to maintain the Catholick Faith in its purity, as his preſent Holineſs is, cannot eſcape ſuch publick and impudent calumnies as theſe?

But 'tis not enough to make the Pope appear a favourer of Hereticks in *France*, but that they may render him odious too in *Italy* and *Spain*. *Monſieur Talon* complains of a ſupine Negligence and ſtrange backwardneſs in the Pope, becauſe he did not ſuppreſs the *Quietiſts* more ſpeedily

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then he did; And yet with what Zeal and Indignation has he proceeded againſt that Infamous Sect? What greater care then has been, could have been taken to get that bad Doctrine Condemned, ſince the firſt time that the Impoſtor *Molina* was firſt convicted? 'Tis true his Holineſs, when any Prieſts were to be judged, would not ſuffer Sentence to be too much precipitated againſt 'em, nor ſuffer his Judges to act by humour, or as if they were influenced by a Caball; He thought it fit to make ſome difference betwixt the Author of a Sect, and thoſe, who (deluded by ſuch Impoſtors) with too much obſtinacy perhaps had adher'd to the Errors of other men, ſurprized it may be, with the falſe appearance of the Piety, which the *Moliniſts* made a great ſhew of for above Twenty years. In all which the Pope has done no more then the Canons of the Church, and the Decretal Letters of his Predeceſſors have preſcribed. But becauſe the Pope does not think fit to cruſh perſons of the Higheſt Quality, and men of Exemplar Piety, who have ever owned an humble and faithfull Submiſſion to the Sacreed See, and to the Church; Therefore if we believe *Monſieur Talon*, he carries himſelf ſleepily, and as if he were in a Lethargy, towards the *Quietiſts*. When the Pope, ſome years ago by a ſolemn Decree condemned the infamous Errours of the corrupted Moral of the *Caſuiſts*, the Parliament of *Paris* oppoſed it, and forbid the Publication of the Decree becauſe the Inquiſition was mentioned in it. But when the Pope does not think fit to Sacrifice Eminent Prelates and men of an Extraordinary Merit to the paſſion of their Adverſaries, and becauſe he thinks fit to do nothing without mature deliberation, and after a ſtrict and ſerious examination in his Judgment of the *Moliniſts*, they complain he does not act with ardour enough; and they are impatient till they can improve the Deciſions of the Inquiſition now, as odious as that Tribunal was to *Monſieur Talon* upon all other occaſions, and eſpecially when it condemned the Errours and Laxities of the bad *Caſuiſts* of our time.

Finally this able Orator finds great fault that we look upon this Pope as a Model of Piety and Virtue. He takes all thoſe for Diſciples of *Janſenius*, he ſays, which erect ſuch Altars to his Holineſs: But truly this Magiſtrate muſt needs be mightily tranſported with Paſſion, or ſtrangely prepoſſeſt to believe that this Pope has no other Eſteemers nor Admirers but that deſpicable handfull of men here and there diſperſed, and hid up and down, which to day are called *Janſeniſts*; when all *Europe* mean while honours him with ſo much admiration as it does, and looks upon him as a Pope which God out of his extraordinary mercy has ſent his Church in ſo corrupted an Age as this, to let us ſee that his hand is not

ſtraitned, and that he can at all times raiſe up faithfull Paſtours to his Church, and men according to his own heart, though the World be not worthy of them.

The City of *Rome* before his promotion to the Sacred See, look'd upon him as a Perſon the moſt worthy of that Supreme Dignity of any in the world. And the effects God be thanked, have anſwered the hopes which all men had of him then. That unconcernedneſs of his in all Temporal Affairs ſo well known to the world, as well in regard of his Perſon in particular, as of his Family, who are none of 'em now any richer then when he was firſt promoted to the Papacy. That continual and earneſt application to put the Apoſtolical Chamber in better order and into a better Condition which for theſe many years had been exhauſted and beggar'd. His Indefatigable care and pains for uniting the Princes of *Europe* againſt the common Enemy of Chriſtendom, the Treaſure that he has ſo profuſely ſpent to that purpoſe, and for the univerſal good of the Chriſtian World. The ſtrange bleſſings of God that followed his endeavours in ſuch total Victories over that Enemy of Chriſtianity, and that panick fear the Infidels minds were ſo often filled with; in which the hand of God ſo evidently appeared: the ſafety of *Germany* which that Emperour owes chiefly to the glorious endeavours of this great Pope. Then his great averſion from all kind of Pride; the freeſt from Nepotiſm of any; His exemplar Piety always equal and always the ſame; his great firmneſs of Mind, uncapable of being ſhaken; to ſay nothing of all his other more Perſonal Virtues, which thoſe who are about him are better able to know then we, at this diſtance, can do. All theſe things, I ſay, muſt needs be look'd upon by the world as the admirable effects of his high and extraordinary Virtues; and will be doubtleſs the eternal Monuments of that Glory of his which the Envy and Malignity of his Enemies will never be able to obſcure.

After all thoſe black Calumnies thrown upon the Pope, *Monſieur Talon* makes yet other Complaints againſt his Conduct in the *Gallican* Affairs: but that which he inſiſts upon moſt, and where he hopes to have the greateſt advantage, is that his Holineſs refuſes to ſupply the vacant Biſhopricks of *France* upon the Kings nomination, as he uſed in that Kingdom to do; that above the third part of the Churches of *France* are at this time without Paſtours, and that if the Pope will not execute the Concordat, his Majeſty may Lawfully break it too on his ſide, and appoint Biſhops in the name of the People, of which he is undoubtedly the head. Would to God the Concordat were but as Religiouſly executed in *France* as it is in *Rome*, there would not then be ſeen in this Kingdom of

France

France ſo many abuſes as all good men have ſo long grieved to ſee; and which indeed are the more deplorable, becauſe there is no remedy to be had.

But to come to the Fact in Queſtion, the Pope never did refuſe to provide for thoſe Biſhopricks where the King had nominated, if the Perſons named were ſo qualified, as the Canons and Concordat require.

But the Pope pretends that by the words of the Concordat, it belongs to him and his Succeſſors, to examine whether the Perſons named by the King have the Qualities required, or no: and that thoſe that have them not, loſe for that very reaſon immediately the right which they have by the King's nomination, who is obliged within three Months after ſuch exceptions made by the Pope to nominate again ſuch others as ſhall have the Qualities required. But the Pope is not bound to ſhew cauſe why he refuſes, and therefore no body can Judge of the reaſons of his refuſal but himſelf. 'Tis true, the Pope ought not to make ſuch refuſal without a Lawfull cauſe: his Conſcience indeed is charged with it in the ſight of God: but no Power upon Earth has any right to take Cognizance of, much leſs, to Judge of that refuſal of the Pope's, or to force him to eſtabliſh thoſe that are unworthy and not qualified for the place; or to fall off from the Concordat upon that account. It is no difficult thing in this to juſtify the right of the Pope, we need but only look upon the text of the Concordat, and then take notice of what has paſs'd ſince in *France*; we ſhall find in the Letters of Cardinal *D'Oſſat*, that *René Benoiſt* Confeſſor to *Henry* the Fourth, was never able to get the Pope's Bulls for the Biſhoprick of *Troyes*, for which he had been nominated by the King, notwithſtanding all the inſtance that was made by the Ambaſſadours of the King and all the Cardinals of *France*.

And no body, I think, can be ignorant of the Story of that famous Abbot (whoſe name ſhall be here concealed) that was nominated for a certain Biſhoprick by the late King of *France Lewis* the Thirteenth with the greateſt Elogiums that could be; And yet could never obtain of the Pope an Eſtabliſhment in that Biſhoprick for ſome ſhamefull Diſorders of his, of which private information was given to the Pope.

Well, but you'l ſay, the Pope has refuſed to eſtabliſh by his Bulls above five and thirty of thoſe Biſhops which are nominated by the King of *France*. *Monſieur Talon* is extreamly miſtaken: For the Pope of himſelf refuſed but only two, who had both been of the Aſſembly of 1682. and had there Subſcribed to all thoſe Reſolutions which were then taken againſt the Pope: but the reſt happen'd not to be Eſtabliſhed becauſe thoſe of that Aſſembly who were charged with Miſdemeanour in the Court of

Rome,

Rome, whether by any Order from the King, or of their own accord, I know not, did absolutely declare that since these two were not admitted by his Holiness, they would not propose any more.

It is not our business here to censure the carriage of that Assembly towards the Pope: but I think it would have become their Prudence better, not to have engaged the King their Master to make so ill a Step. Other Ministers would have used their best endeavours to have maintained a good Correspondence betwixt the Pope, and the King; They should have considered of the Complaints made against the nominated Bishops, and either have endeavoured to have justified them, or at least to have excused them, or to have found some means or other to have satisfied his Holiness, that he might at least have accepted of those Persons which were nominated by the King; But those sweet and handsom ways of proceeding with the Pope, are with those Gentlemen, grown quite out of use. They take very different ways from these, and instead of facilitating affairs, desire rather to hamper 'em more.

But this is certain according to the words of the Concordat: If Briefs of nomination to any Bishoprick vacant be not within the first six Months of the vacancy presented to the Pope, his Holiness then has full Right and Absolute Power to provide and Establish what Bishops he pleases, so that instead of complaining of those so many vacant Sees in *France*, they should rather admire & commend the Pope's Moderation, who for the good of the Christian Church, would rather in such Cases not stand upon his utmost Right, nor make use of his Absolute Power, in suddenly preferring who he pleased, as he might. Therefore if we consider the business well, 'tis to the ill Conduct of the Court of *France* that we must attribute those so long vacancies of Bishopricks in *France*; and not to any morose humour of the Pope, who acts in all these things not according to Humour, but according to Reason, by Principles of Justice and Conscience, always ready to grant his Bulls and to confirm the nominations of the King whensoever he pleases to present such Persons as are endowed with Qualities requisite for such Employments as those. And the Pope indeed is resolved, I believe, never to promote those, that he shall find unworthy, notwithstanding all the instances that can be made, and notwithstanding those abominable injuries of *Monsieur Talon*, who certainly deserves in all reason in the world, to be removed from his Employment, 'till such time as he has made ample and publick satisfaction for all these Villanous Calumnies which he has so injuriously thrown upon the Pope in this Defamatory Libel of his.

But *Monsieur Talon*, it may be will say, that the Pope refuses his Bulls

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n *France*, becauſe they will not believe his infallibility, nor own him Superiour to generall Councills. In this *Monſieur Talon* is mightily mistaken, for t'was not only upon that account that the Pope refuſed his Bulls to thoſe two Eccleſiaſticks, which as were mention'd before, has been nominated by the King for Biſhopricks; They know very well at *Rome* what the opinions of the *Paris* Doctors were upon this point, in the time of the Councill of *Conſtance* and of *Baſil*, and though that opinion of theirs be rejected and diſapproved by the more Orthodox men, yet they have not in that been yet expreſsly condemned or anathematiz'd by the Pope.

Then thoſe Eccleſiaſticks had openly declared themſelves againſt the Pope in an Aſſembly of Biſhops (which if we believe themſelves) was aſſembled for no other cauſe but to reunite the Pope and the King, and to ſettle a good correſpoudence betwixt the Clergy and the Civill Magiſtracy of that Nation, and had yet taken upon them with the reſt of that Aſſembly to determine, in aſmuch as in them lay, the buſineſs of the *Regalia*, which yet was undoubtedly one of thoſe great and more conſiderable cauſes which under the name of *cauſæ majores*, as well by the new as by the ancient Canons, are reſerved to the Sacred See, and by the expreſs words of the Concordat; and which beſides was devolved to his Holineſs at that time by juſt and juridicall appeals. But thoſe Eccleſiaſticks then aſſembled were ſo far from joyning themſelves with their head in this conjuncture to defend their own liberties, that they took all occaſion they could to quarrel with the Pope their maſter, took upon 'em to limit his power, without any reaſon at all, without any neceſſity, and undoubtedly without any legitimate power. Theſe were as near as I can Judge the reaſons which forced the Pope to refuſe his Bulls to thoſe nominated Biſhops which had been in this Aſſembly before, and had Subſcribed and approved all the deciſions that then were made againſt the Authority of the Pope. And indeed could ever any thing be ſtranger in the Church of God, then to ſee the Biſhops of a Catholick Country riſe up ſo Rebelliouſly againſt their Head, a Pope ſo exemplar and of ſo holy a Life as his preſent Holineſs is, and one that never had any quarrel with the King of *France*, but becauſe he defended the Liberties of the Churches of *France*, and maintained the juſt pretenſions of the Biſhops of thoſe four Conquered Provinces againſt the Uſurpation of the *Regalia*, which the King of *France* pretended to impoſe where-ever he Conquered the Place. A rare occaſion for thoſe Prelates to draw up a Declaration as they did againſt the Eccleſiaſticall power, without ever having been impowered from their Provinces to treat a matter of ſo great importance,

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they themſelves having been too for the moſt part choſen (as all the world very well knows) in the Provinciall Aſſemblies by violence, and by the power of the *French Court*, and not with that liberty of Suffrages which ought to have been. Beſides it was very well known that all theſe points which paſs'd in that Aſſembly were not all put to the vote, and that neither the Biſhops, nor the other Deputies that were there, had the liberty to think as they pleas'd, or freely to deliver their opinions: All being concluded as the Preſident thought fit or rather by the power and inclination of the *French Court*. It is not our buſineſs here to examin the four propoſitions of that Declaration, and the manner of their penning: That has been done already with vigour enough: and thoſe pittifull Chicanneries of *P. Maimbourg* (a fit defender of ſuch an Aſſembly) have been ſo batter'd and broken already, that it would be to little purpoſe to treat of that matter at length any more. 'Tis enough if we ſay, that that Aſſembly went farther then the Biſhops of the Councill of *Baſil*, and all the *Richeriſts*, and that they flew in the face of the Papall Authority with higher and far leſs moderation then they. The firſt ſaid only, that there were ſome particular and extraordinary caſes in which the Pope was inferiour to generall Councills: as in that of Schiſm, Hereſie, and other inſufferable diſorders, but theſe Gentlemen of the *French Aſſembly* cut off all his Authority at a Stroak, and ſay, that the Pope in all caſes is inferiour to a generall Councill; ſo that according to theſe Gentlemens opinion, a Council that were legally called, and that might conſequently proceed to the condemning of Hereſies, could not be diſſolved by the Pope. If theſe Biſhops had well peruſed the reſolutions of that Aſſembly in *France* of 1625. they would have found that their Predeceſſours defin'd clearly againſt the *Richeriſts*; and eſtabliſhed a doctrine in the *Gallican Church* quite contrary to thoſe Gentlemens late Declaration. And if they had but maturely conſidered the Acts reported in the Councils, they would have found the matter quite otherwiſe then they ſeem to ſuppoſe, and that indeed there is ſcarce any caſe in which the Pope is ſubject to a generall Councill; their Deciſions and Laws being of no force, nor Authority till they are confirmed by the Sacred and Apoſtolick See, and by the head of the Church. This boldneſs and temerity of the Deputies of the Aſſembly, was it not enough to render 'em ſuſpected, and to give all men good ground to think that they did not look upon the Pope as that head of the Uniuerſall Church which all the Faithfull ought to obey? And ſuch a carraige as this, ſo far from that profound reſpect which all good Catholicks owe to the Pope their Supreme Soveraign in Eccleſiaſticall affairs, was it not enough to oblige his Holyneſs to ſuſpend his

Bulls

Bulls till such time as he could be better informed of their opinions; and till they had made him some kind of satisfaction at least for so great a fault?

Besides, the Pope, as I think I have told you before, offered to grant his Bulls to any other of the Kings nomination, but only such as were of that Assembly, which *Mounsieur Talon* has taken great care to conceal. Did not his Holiness promote to the Bishoprick of *Queback* in *New France*, the Abbot of *St. Valier* upon the nomination of the most Christian King? What does the Pope do then in this behalf that is irregular? Would *France* pretend to tye the Pope's hands more then the *Concordat* has done? Or do they think the Pope is oblig'd to admit all the Royall nominations without ever enquiring into the lives or capacities of the persons presented? Or would they tear violently from him that right which the *Concordat* gives him of refusing such as are unworthy? Or would they pretend to Judge of the Popes Judgment in this matter, and appeal to some other Tribunall? If the Pope has not absolute power of refusing the persons nominated, why should the *Concordat* require as it does, that the King shall be bound to name another in three months time when ever the Pope thinks fit to refuse the first that is named? Has this Pope less Power then his Predecessours? Has *Monsieur Talon* forgot what happened not Forty years ago in the case of *Monsieur de Marca*, who nominated by the King for the Bishoprick of *Couserans*, and afterwards for the Arch-Bishoprick of *Tolose*, was never able to procure the Popes Bulls, whatever instance the *French* Ambassadour made, till he had satisfactorily expiated those two too bold propositions of the Pope's Authority, and of the Roman Church, which were found in that famous book of his, *de concordia Sacerdotii & Imperii*. And let not *Monsieur Talon* tell us, that that opinion of the French Assembly of 1682. was formerly publickly defended in the *Council of Trent* by the Cardinall of *Lorrain*, I cannot tell whence *Monsieur Talon* could have what he affirms; that that Cardinall had declared publickly in that Councill, that all *France* was perswaded that the Pope was not infallible. For neither Father *Paolo*, nor Cardinall *Pallavicino* mention any such thing, and yet such Historians as those neither could be ignorant, nor would have dissembled a passage of that importance, without relating it to the world, and making their severall reflections upon it. It must have been therefore some instruction of the Cardinall of *Lorrain* given to an Agent of his in the Court of *Rome* called *le Breton*, related by *Monsieur du Puy*, which must have given occasion to *Monsieur Talon* to affirm that passage so boldly as he does. But that piece, besides that 'tis much suspected to have been suppositious, or at least to have been altered and corrupted by some Enemies of the Sacred See, it makes that Cardinall affirm that which no good Catholick

would ever at leaſt publickly own, which is, that in *France* the *Council of Florence* is not received. There is none but the Greek Schiſmaticks that reject the *Council of Florence*; All the Catholicks in the world without difficulty receive that Councill for Oecumenicall; and if there were any trouble, becauſe thoſe who adher'd to the *Council of Baſil* would not conſent to the calling of the *Council of Florence*, yet it is certain at laſt the *Council of Baſil* was deſerted by all the Chriſtian Princes, whereas there was not any one of the Princes of Chriſtendom which did not admit the *Council of Florence* for Oecumenicall, and ſubmit to all it's deciſions. And *Monſieur Du Puy* himſelf put's in the margent of this inſtruction of the Cardinall of *Lorraine*, that as much of that inſtruction as concerns the Pope, the Sacred See, and the ſuperiority of Councills, was never read before the Pope. Which makes it plainly appear, that though the Cardinall of *Lorraine* had perhaps in the heat of Conteſts written any ſuch thing to his Agent, he revoked it again after having thought more ſeriouſly of it, and for that reaſon, it ſeems forbid his Agent to read it before the Pope; And beſides *Monſieur Talon* may take notice, if he pleaſe, that the Council of *Lateran* held under *Leo* the Tenth, in which the Pope's Authority over generall Councils was ſo highly Eſtabliſhed, was received by *Lewis the Twelfth*, and *Francis the Firſt* of *France*, not in their own names only, but in the name of the Nation too: And let him remember too that when *Chancellour du Prat* carried the Parliament a Declaration of *Francis the Firſt* to juſtify the Advantages that *France* received by the *Concordat*, 'twas affirmed in the ſame Declaration, that it was certain, that the Pope was above a Generall Council in all, except ſome very particular and extraordinary caſes. Therefore let him tell us no more, that *France* has always adher'd to the Decrees of the *Council of Baſil* in the buſineſs of the General Council's Superiority over the Pope.

Let not *Monſieur Talon* tell us neither, that all the Doctors of *France* are of the ſame opinion. We know very well how great a number there are of the beſt and the learnedeſt Men in *France* that condemn in their hearts the opinion of that Aſſembly, and are ſo much of a contrary opinion to theirs, that if they durſt freely ſpeak what they think, without being ſent by a privy Seal from Court, to Priſon or Baniſhment; they would ſtoutly oppoſe the Declaration of that Aſſembly of 1682. and would give the world good Teſtimony of the profound reſpect and ſubmiſſion which they bear to the Authority of the Pope, and the Deciſions of the Sacred See.

But whatever the particular opinions of the Divines of *France* may be, 'tis certain there are not many that have publickly appeared againſt the Authority of the Pope. And it is only to ſuch as thoſe that his Holineſs refuſes

refuſes his Bulls, till ſuch time as they make ſatisfaction for their fault; and truly had that buſineſs been handſomely manag'd; thoſe unhappy differences which have made ſo great a noiſe in Chriſtendom, would ſoon have fallen to the ground, had not thoſe Gentlemen of the Aſſembly of 1682. ſo briskly and ſo Turbulently too, made that unhappy ſtep from whence they either cannot or will not retire.

Nor let *Monſieur Talon* think to fright the Pope with threatning, that if His Holineſs will not by his Bulls confirm and Eſtabliſh thoſe nominated Biſhops which he thinks unworthy, *France* will ſend no more mony to *Rome*. Alas! this Magiſtrate does not know this Pope, if he think him a man that can be touch'd with ſo mean and baſe an Intereſt as that. The money that he Receives from *France* is ſo inconſiderable, and muſt when it comes be divided amongſt ſo many, that thoſe who are the moſt concerned, make very little or no account of it at all, much leſs will the conſideration of that inconſiderable money, any ways be able to affect this Pope, whom we all know to be a man ſo unconcerned in all worldly things, and of ſo nice, and tender a Conſcience, that for all the Kingdoms in the world, he could not be brought to do the leaſt thing either contrary to his duty, or that he could think, might diſpleaſe Almighty God: And yet this is one of the greateſt threats of *Monſieur Talon*, to which he add's this, that the King (if his Holineſs perſiſts,) will break the *Concordat*. For according to the doctrine, it ſeems of *Monſieur Talon*, the Popes refuſing to grant his Bulls to any one of thoſe the King names, is cauſe ſufficient for the King to break the *Concordat*; no more is required it ſeems to eſtabliſh the pragmatick Sanction; but becauſe this pragmatick practiſe would neither accomodate ——————— nor the Court, and becauſe this way the Court would be forced to uſe perpetuall violence in the Provinces to get thoſe choſen which the King had a mind to, which yet would not always be affected neither; *Monſieur Talon* has found this expedient to abrogate and to annull at the ſame time, the pragmatick Sanction, and the *Concordat* too, and then eſtabliſh a new Law which can be certainly grounded in nothing but their own vain imagination. The Election, ſay's *Talon*, of Biſhops, originally belongs to the People. The people of *France* now are no more in a condition to nominate: we have ſome examples in the firſt and ſecond rate, where Kings have nominated Biſhops in ſome ſingular caſes. They are the heads of their Kingdoms, and have a right to act as well in the peoples name as in their own. Therefore the King may name Biſhops himſelf, which the Metropolitan with ſome other Biſhops of the Dioceſſes, after they approved the Kings Nominations, may Conſecrate and eſtabliſh. This is the diſcourſe of *Monſieur Talon*.

Could any man have advanced such propositions as these without first renouncing all common sence, and all the rules of Equity and Justice in the world? yet if we believe *Monsieur Talon*, he'l tell us, that this is an excellent reason, that, that right which the Faithfull anciently had to appoint themselves a Bishop, since it cannot conveniently now be any more exercised in common, must necessarily pass into the person of their Soveraign the King. How can you that desire so much to be taken for the great Defender of the liberties of the *Gallican Church*, abandon the pragmatick Sanction, grounded as well in common law, as upon the Councils of *Constance* and *Basil*?

Is not that ordinance of *Orleance* worth your taking notice of, where it was decreed, that Elections of Bishops should be made by the Cathedrall Chapter, and also by Deputies of the Gentry of the Dioceſs, and of the principall Citizens of the Episcopall City? Why will you needs suppose that the Canonicall Elections cannot be made any more as they have been? Do you remember none of those Pleas of your Predecessours in defence of such Elections as those in their full extent? and that they look't upon 'em then, as the principall point of the Liberties of the *Gallican Church*?

But it is not upon such maxims or principles as these that *Mounsieur Talon* determines any point of the matter in question; neither the liberties of Churches, nor the Ordinances of Estates, nor the Sacred Canons of the Oecumenicall Councills, which yet he uses (with so much Ostentation) to cite, are ever any rule of *Monsieur Talon's* opinion or carriage in this business. The Soveraign Law which with him takes place above all Ecclesiasticall Laws, and those of the state besides, is a resolution to please, and comply with the Court.

Settled in these resolutions and full of such extravagant designs as these, no wonder if he establish new Laws, of his own head, and by his own private Authority; He'l abolish the *Concordat*, because he does not like the power that the Pope has reserved to himself, of refusing such of the King's nominated Bishops, as he shall find unfit. He'l abolish the pragmatick Sanction, because the re-establishing of the ancient Elections would not suit with the present interest of the Court of *France*, but rather deprive the King of his right of Nomination; and therefore after having taken away from the Pope the right of collation, he would give the King a right of nominating Bishops without being restrained by the rule of the *Concordat*. A right, none of his Royall Predecessours ever enjoyed, but by vertue of the *Concordat*.

And truly the *Church of France* would be much to be blamed, if instead of being governed by the holy Canons of the Church, and Papall Decretalls,

tails, they should suffer themselves to be led away by such fancies as a lay-Judg, that dayly changes his opinion, according to the different impressions which the *Court of France* makes upon him; and has not of himself any true and Solid knowledge of the Ecclesiasticall Laws, but only takes up such Scraps as he meets with up and down in memorialls, whilest he hunts for Erudition to fill up his Plea's: nor has he either honour or conscience before his eyes, nor the laws of the Church or of the State; he goes on meerly puff'd up with extravagant passion, and an Ambitious desire to please the Court.

We have been forced to follow this Declaimer all this while in all his digressions; let us see now what he says of the matter in question, and of the pretended Franchises; but he makes again another great digression against the Popes Bull, *in Cœna Domini*, then tells us, that Bull is very pernicious, because it establishes, as he pretends, the Pope Soveraign Monarch of the world, and because it seems not to allow Parliaments any power to take cognizance of the possessions of Benefices, or of any causes reall or personall that belong to Ecclesiasticks.

What he says of the Pope's Sovereign Authority, is of his own head, for there is no such thing in the Bull: And therefore if *Monsieur Talon* has nothing else against that Bull, but that it forbids Parliaments to meddle with Ecclesiasticall Jurisdiction, I do not see what persons in the world, though never so little equitable, can have any thing to say to it, except such Lay-Judges, as too much addicted to their own interest would bring all fish into their own Nets.

But if we consider what manner *Monsieur Talon* speaks of that Bull, we might have reason enough to think he never had read the Bull in his Life but speaks by hear-say only, and what he has learned from other men. For first, he supposes that that Bull Establishes the Pope Sovereign Lord of the world; of which Sovereignty, there is not a word in the Bull. Secondly, he seems to suppose, that that Bull began but under *Julius the Second*, whereas it appears, that long before that time, other Popes as *Urban the Fifth*, *Paul the Second*, and *Sixtus the Fourth*, had published the like censures in their Constitutions, and many others after *Julius the Second*, and *Paul the Third* had done the same, and with the same Solemnity, which yet were never accused of being Enemies to *France*. Nor can I see any reason why *Monsieur Talon* should cry down that Bull, unless it be, because it condemns Parliaments, that intrude themselves into Ecclesiasticall Affairs, and take upon 'em a jurisdiction that does not belong to them. After this Digression against the Bull, he makes a great complaint against the Pope, for laying an Interdict upon the Church of St. *Lewis in Rome*, and as he tells us, against all the rules of Canon Law.

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'Tis not the Parliament of *Paris*'s buſineſs, nor much leſs *Monſieur Talon*'s, to examine what the Pope does in *Rome*. The Pope has a Supreme Authority as well Temporal as Spiritual over that City of his, and of his Government there is to give no account, but only to God. But yet that much, I think, we may ſay, that they are a little more regular in their Canonical proceedings at *Rome* then in *France*. Would to God in *France* in the deſtruction of the Monaſtery of *Charonne*, in the diſſolving the *Inſtitute* of the *Nuns* of the *Infancy*, in the Elections of *Urbaniſt Abbeſſes*, of the *Cyſtertian Abbots*, and of the *Abbots* of *Cluny*, and of the *Trinitarians*: In the buſineſs of the *Regalia*, in the Judging and Condemning of *Prieſts*, and in all other Eccleſiaſtical Affairs, they had but as well obſerved the Canons and Rules of the Church in *France*, as the Pope obſerves 'em in *Rome*. The Cardinal-Vicar Interdicted the Church of St. *Lewis* in *Rome*; becauſe the Rector of the Community of Prieſts, which belong to that Church had received *Monſieur Lavardin* to Prayers, and to participation of Sacraments with them, after he had been moſt notoriouſly Excommunicated by the Pope, and in *Rome* it ſelf. For what could be more notoriouſly publick then an Excommunication publiſhed by a Bull of the Pope in *Rome*, and well known both to the *King of France* and his Miniſters, before the departure of *Monſieur Lavardin*. Could he that came with Arms in his hands, and with full reſolution to defend the pretended Franchiſes of his Houſe in *Rome*, and that above five Months after the publication of this Bull, pretend ignorance then? Was not *Monſieur Lavardin*'s action notorious to all the world? By what Trick or Artifice could any body excuſe or diſſemble the knowledge of ſo publick a Fact?

He comes to *Rome* more like an Enemy, then an Ambaſſadour; enters the Sacred City, like a Conquered Town, he cheats the Officers of the Cuſtoms at the Gates, brings in his Ammunition of War, the Palace of Cardinal *Farneſius* is filled with ſtrong Guards and Troups of Armed men, they go the round about the Palace in a Military manner all night, as if they had already made a Cittadel in *Rome*; And that all this might be the more publiquely known to the City, theſe Guards are relieved, and theſe Rounds are made at the ſound of a Bell. After all this, would thoſe of St. *Lewis* pretend to doubt whether *Monſieur Lavardin* had incurr'd the Popes Excommunication publiſhed by a Bull? And if theſe Facts were ſo notorious that they could neither be diſowned nor excuſed, how could the Rector of the Prieſts of St. *Lewis* admit *Monſieur Lavardin* in time of Divine Service to Church, and to the participation of the Sacraments, without pulling upon themſelves the Cenſure of the Church?

But *Monſieur Talon* replies, *The Excommunication was not denounced.* Has this

this Magistrate forgot that Article of the pragmatick Sanction, and of the Concordat too, where it's said in expres terms, that *to incurr Excommunication or Interdict by Communicating in Holy things with a Person that has notoriously incurr'd the Excommunication, it is not at all necessary that there should be any precedent denunciation.* 'Twas a thing notorious that *Monsieur Lavardin* had incurr'd the Excommunication expressed in the Bull: First, because the Bull it self was notorious: Secondly, because he publickly and constantly made a defence against it, when he made that open and Military defence at the Palace where he Lodg'd, of his pretended Franchises: the Rector and Priests of St. *Lewis* could not be ignorant of all this, and yet they publickly gave him the Sacraments; did not they very well deserve then to have their Church Interdicted, since it was a fault committed not by any one particular Person but by the whole Community? And therefore let not *Monsieur Talon* bring all those common places against Interdicts in this case. The question is not here of the Interdict of a Kingdom or Province, which were formerly so much in use, but our Question is of an Interdict only of one Parochial Church, and that in *Rome*, over which the Pope has all Absolute Jurisdiction; and the Interdict is founded upon the disobedience of a whole Community. Nor can *Monsieur Talon* with all his Criticks bring any solid Argument against it. But the Pope cannot Excommunicate an Ambassador, says he, nor a Magistrate acquitting himself of his duty and executing the orders of the King his Master. 'Tis Evident (have as ill Principles of Religion as you will) you cannot but own the Pope has an Absolute Universall Power without exception, without limitation, or restriction, to bind, and release all, or any Christians whatsoever. *Quecunque Ligaveris*, &c.

And upon what ground that unheard of Priviledge is founded, that Ambassadors and Magistrates (if they be Christians) cannot be Excommunicated by the Pope, I cannot find: undoubtedly they as well as other Men, are Subject to the Keys of St. *Peter*, and to the Authority of the Church: Nor do I see why they may not in executing the orders of their Masters, fall into such Crimes as may pull upon 'em the Censures of the Church.

May an Ambassadour, do you think, by order of his master, have a Prelate Assassinated without incurring excommunication? and to speak more particularly of the matter in question, shall an Ambsiadour by order of his Master invade the Patrimony of St. *Peters*, affront the head of the Church in *Rome* it self, take from the Pope in a part of his Capitall City, the power of exercising his Soveraign Authority without incurring excommunication, and those other penalties the Canons have provided against those Sacrilegi-

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ous Persons that steal holy things, and usurp the endowments of the Church? This is a new Divinity which Christendom has not heard of yet. 'Tis easy enough to make appear not only by the Canons and by the practise of the universall Church, but also by the Canons of the Church of *France*, that Kings themselves may be excommunicated, much more their Ambassadours, who certainly are not priviledged more then their Masters. The Ecclesiasticall history furnishes us with abundance of examples of *Greek* and *German* Emperours, of Kings of *France* and of *England*, that have felt and acknowledg'd the weight of excommunication. *Clotaire*, *Philip* the first, *Philip August*, the examples of *Henry the third*, and *Henry the fourth* are too publick in *France*, and too well remembred to be denyed.

The greatest Enemies the Sacred See has in the world, agree, that at the beginning of the Eighth age, *Gregory the second* excommunicated *Leo Ironomatus*, and this Heretick Emperour lost by that means the *Exarcat* of *Ravenna*. All the defenders of the *Gallican* rights agree, that three of the French Kings, *Clotaire*, *Philip the First*, and *Philip August*, were all excommunicated by Popes, and were obliged every one to put away their Concubines, and to receive again their lawfull wifes which they had expelled. *Nicholas the First* excommunicated *Lothaire*, for having put away *Fewburg* his wife, and marrying *Valdrade* his Concubine. *Urban the Second* excommunicated *Phillip the First* in the Councill of *Clermont*. And *Innocent the Third* excommunicated *Philip August* upon the like account: so that none of all his Subjects durst have any access to him till he had received his wife, and abandoned his Concubine. And all that while they dated in *France*, *Regnante Christo*, without taking any notice of *Philip August* at all: I referr the Reader to Father *Maimbourg*, that great enemy to Popes, for the Stories of the Emperours *Henry the Fourth*, *Henry the First*, *Frederick the First*, *Philip the First*, *Othon the Fourth*, *Frederick the Second*, *Conrade the First*, *Raymond Earl of Toloſe* Excommunicated by *Alexander the Third*; and of a great number of Kings of *England* Excommunicated, by Popes, who before they were absolved, did ask upon their knees absolution from the Excommunication incurr'd, either before the Popes, or before their Legates. We find besides that, *Foulques Arch-Bishop of Rheims* threatned to Excommunicate *Charles the Simple* if he made Allyance with *Normans*, who were then Heathens, by a Letter penn'd thus: *Sciatis quod ſi hoc feceritis, & conſiliis noſtris non acquieveritis, nunquam me fidelem habebitis, ſed & quoſcunque potero a veſtra fidelitate revocabo, & cum omnibus co-Epiſcopis meis vos & omnes veſtros Excommunicationis perpetuo anathemate condemnabo.* And in the Sixth Book of the *Capitulers*, ch. 249. 'tis said expresly, *Hujus Conſtitutionis forma ſervetur ut execrandum anathema fiat, ut velut Prevaricator Catholicæ*

Catholicæ fidei, ſemper a domino Reus exiſtat quicunque Regum deinceps Canonis hujus cenſuram in quocunque crediderit eſſe violandam. This may be ſeen in the Capitulers approv'd and authorized by the Kings of *France*; And thoſe Kings all acknowledged the power of the Church, and humbly ſubmitted to its Authority. They openly deteſted their faults either by themſelves or by their Ambaſſadours. They earneſtly begg'd Abſolution of the Popes. They faithfully executed the Penances which were enjoined them for Satisfaction for their faults, and for reparation of the Scandal which they by their ill example had given to the world. But if thoſe Princes had had for their Counſel *Monſieur Talon*, they would have lookt upon the Vatican Thunder but *like Squibs that expire but in Smoke, and hurt no body more then thoſe that throw them*; they would learn to have forced the Prieſts by ſevere Impriſonments or by ſeizures of their Eſtates to have opened them the Doors of the Churches, and to have given them the Sacraments, they would have railed at the Pope, wounded their Fame and torn their Reputations, as this Orator does, without any ground in the world. They woul'd have appeal'd from the Pope to their Parliaments, and have complained of the abuſes, or to the next General Council that ſhall be called. But thoſe innocent Monarchs and Emperours did no ſuch thing; but with a ſincere and Chriſtian Devotion acknowledg'd, that as they were as capable of Sin as other men were, ſo though Emperours; yet as well as other men, they might incurr the Cenſures of the Church; They placed their greatneſs and Glory not in conteſting the Pope's Authority by pitifull Chicanneries and tricks of the Law, but in ſubmitting with humility to the Laws of the Church, in mending their faults and exceſſes: in giving good example to their People, and in teaching their People by the practice of the Prince, in what awe of the Eccleſiaſtical Cenſures all good Chriſtians ought to be, what deference and reſpect they ought to pay to the Church and to him that is Preſident there, the viſible Head and Vicar of *Chriſt*. Thus much indeed we muſt confeſs, that ſome Biſhops of *France* jealous of their Authority pretended, yet afore, that the Cenſuring and Excommunicating of Kings when they deſerved it, belonged properly to the Biſhops of the Country, where thoſe Kings Reigned, rather then to the Pope; perhaps they might think ſometimes there might be danger in delay, or for ſeveral other Reaſons whatever it was; in that Senſe certainly and no other, thoſe Biſhops of *France* muſt have formerly written thoſe ſhamefull and temerations words to Pope *Gregory the Fourth*: *If you come hither to Excommunicate our King, you ſhall return excommunicated*

your ſelf. Words which the Biſhops of *France* may well bluſh at for their Predeceſſours ſake, and fitter to be buried in eternall oblivion, then to be interpreted as they are by *Monſieur Talon* for the advantage of the preſent times. What? The Pope ſhall return excommunicated? By whom? By the Biſhops of *France*? If a Pope can be excommunicated by particular Biſhops, then the Pope is not only ſubject to generall Councils, as *Monſieur Talon* pretends to have it, but to the particular Biſhops of *France* too, whenſoever they ſhall be in an humour to oppoſe him. Theſe are arguments of that extravagance that they deſtroy themſelves faſt enough, and need no other refutation. But all that can in any rationall ſence be made of thoſe words of the *French* Biſhops to *Gregory the Fourth*, is, that the *French* Biſhops did believe themſelves to have power enough then to excommunicate their Kings without complaining farther to the Pope.

Now becauſe of the great inconveniences that might follow by the particular Biſhops having ſo great a power as to excommunicate Kings, as authorizing Factions and fomenting Rebellions in ſeverall nations might be, therefore the Chriſtian Kings earneſtly always deſired not to be excommunicated but by Popes; And if *Monſieur Talon* had taken the pains to read over the Bulls of Pope *Clement the Sixth* and other Popes granted at the earneſt requeſt of Severall Kings, he might have ſeen there that the Popes and Kings did both agree of that power which Popes ſtill have to excommunicate Kings for thoſe faults that fall under the cenſures of the Church, and that the Kings then, only deſired to be exempted from any cenſure ſuch Biſhops as were their own ſubjects might throw upon them, becauſe of ill conſequences that might follow as I have obſerved before.

Let him but read the inſtructions of *Charles the Ninth* given to his Ambaſſadours who were with Pope *Paul the Fourth*, about the Kingdom of *Navar*, the ſupplications of *Augennet* Biſhop of *Maus* in the name of *Henry the Third*, and thoſe of Cardinall *D'oſſat* and Cardinal *Perron* in behalf of *Henry the Fourth*: And ſee what ſincere Submiſſions and Acknowledgments thoſe Biſhops and Cardinalls made in behalf of thoſe Kings, how humbly they Submitted to the Cenſures of the Church, how clearly and heartily they deſired to be abſolved. The Judges and Advocates of the laſt age although the greateſt part of them were infected with thoſe hereticall Maxims which then were ſo ſpread through this Kingdom of *France*, yet all agree of this truth, and Acknowledge that *Theodoſius*, *Leon*, the two *Fredericks*, and other Emperours were excommunicated, and that Popes uſed the ſame power

over

over the Kings of *France*. I know those Lawyers might be perhaps of opinion then, that the Pope could not throw an Interdict upon a whole Nation, or abandon it to the next occupant: But that is not our question here; our present question is only, whether Kings or their Ambassadours may be Excommunicated by the Pope when they commit crimes that fall under the censures of the Church? I affirm that they can; and say no man can deny that, without denying the supreme Authority of the Church, which depends neither of time, nor place, nor of the capriciousness of men, but stands settled and unshaken upon that Rock of Life, *Christ Jesus*, and upon his Sacred word, against which Hell it self shall not be able to prevail.

By what we have said it clearly appears that Kings may be Excommunicated, and their Ambassadors in Executing the Orders of their Masters (if they be Catholicks) may incurr Excommunication too, if in Executing those Orders of their Masters, they commit such crimes as fall under the censures of the Church.

I shall not here make it my business to refute those falsities which *Monsieur Talon* alledges concerning what pass'd at *Naples*, occasion'd by some Ecclesiastical Censures which the *Nuncio* there had pronounced against some Counsellors and other Officers of the Council of State. For that business was so certainly and publickly known, that not one of all those who were then Excommunicated by the *Nuncio* there, ever durst appear at any Divine Service in any Church. And therefore to be able to keep their *Christmas* last past; like true Children of the Church, they humbly demanded Absolution, which was granted 'em with the clause *de reincidentia*, that is, in case of relapse to be in force, if afterwards they should not fully submit to perform all that was enjoyned 'em: And all the world knows as well what passed some years ago in the Kingdom of *Sicily*; where the *Vice-Roy* and some other Officers of the King were Excommunicated by the *Arch-Bishop* of *Palermo*, for something they had done against the Ecclesiastical Jurisdiction. Where the Offenders were all forced to appear before the same *Arch-Bishop*, and receive of him publickly Absolution in the ordinary form. Nor need I take much notice of those little Chicanneries which *Monsieur Talon* delivers with such an air that we may see, he himself does not value 'em much; As that the Bull was not published in *France*, nor signified to *Monsieur Lavardin*. But the Bull was affixt and publisht at *Rome*, which was enough to be sufficiently known to those that live there.

Nor is it our queſtion whither *Monſieur de Lavardin* having not preſented his Letters of Credence, and having not yet been acknowledged by the Pope, were Ambaſſadour or not. But if that were the queſtion, we can eaſily make it appear by the Laws of Nations, that to be an abſolute Ambaſſadour, 'tis not enough to be ſent in that quality by any Prince; but he muſt be admitted, and acknowledged by the Sovereign Prince, to whom he is ſent, before he can be truly ſtiled an Ambaſſadour: whence it happened formerly, that when any Pope ſent a *Nuncio* to *France* that the King did not like, he was always ſtop'd upon the Frontiers, and never acknowledged for *Nuncio* at all.

All that we have to make out, is, that whether *Monſieur de Lavardin* were Ambaſſadour, or whether he vere not, he either did know, or ought to have known, being in *Rome*, that the Pope had forbid, under pain of Excommunication. to be incurr'd by the very Fact whenever it ſhould be committed, to pretend to attribute any ſuch Priviledge of Franchiſes to any particular Houſe or Quarter in the City of *Rome*. *Monſieur de Lavardin* did attribute to himſelf and his place of Reſidence in *Rome*, that pretended right of Franchiſe publiquely and conſtantly. He has no Priviledge that can ſhelter him from the Cenſures of the Church, nay, the King his Maſter has none for his own Royal Perſon: he did therefore certainly incurr the Excommunication declared in the Pope's Bull, nor could without trampling on the power of the Pope, and treading the Authority of the Chriſtian Church under foot, enter, as he did, into the Pariſh Church of St. *Lewis*, and receive the Bleſſed Sacrament before he had received Abſolution from the Pope. *Monſieur Talon* after having confidently without any proof impoſed upon us this Propoſition; that an Ambaſſadour cannot be Excommunicated by the Pope; defends in particular, that the Pope cannot at leaſt Excommunicate him upon the account of the pretended Franchiſes which are in queſtion; Becauſe, ſays *Talon*, thoſe Franchiſes are things purely Temporal, and therefore cannot properly be the Subject of an Excommunication; And beſides, becauſe the King has been in poſſeſſion of that right time out of mind.

But before I dive further into the buſineſs, I'le firſt ask *Monſieur Talon*, what right the Parliament of *Paris* has to meddle with, or enquire into the Franchiſes of *Rome*? Can that belong to their Juriſdiction; or which way is it within their reach? The *Kings*

of

of France have always limited that Company of Persons assembled in the Parliament of *Paris* to take Cognizance only betwixt Party and Party of their own Dominions: But has any King ever given 'em power to Judge of difficulties that may happen, or Causes that may depend betwixt them and the Pope? Nay which way could any King or his present Majesty give 'em any such Power?

But to examine the business to the bottom, we must see first what the Pretensions of the Ambassadours of *France* are in the City of *Rome*? and then upon what they are grounded.

If we believe *Monsieur Talon*, the *King of France* might pretend to be Sovereign *Prince of Rome*; and turn out the Pope. A new and unheard of right that neither *Pithon*, nor *Du Puy* ever yet understood or offered to mention in that Collection which they have made of rights which *France* has in other Princes Dominions in all parts of *Europe*; and yet *Monsieur Talon* confidently tells us, that the *King of France* at present has favoured the Pope upon this account, by pretending no farther then he does to the Franchises with a reserve of right to be renewed some other time, when the King pleases, or upon the first Quarrel the King may have with the Pope. But at present *Monsieur Talon* will go no further, then to defend that the *King of France* has a Right of *Quarters* in *Rome*, to make the Lodgings or House where he dwells, a Priviledged place, that is, that his Ambassadour may Establish himself there in what Quality or Condition he pleases: For the Palace of *Farnesius* where he resides, being but a borrowed House, and belonging to the *Duke of Parma*: he yet, besides the profits which his Servants make of it to several persons that Establish themselves there, pretends to make an *Asylum* and safe retreat of it for all *Bandits*, *Assassinates*, *Poysoners*, *Thieves*, *Atheists*, *Sacrilegious Persons*, for all *Debauched Woman*, even those who run from their Husbands, and for all sorts of *Villains* whatsoever.

He pretends, that neither the Justice of *Rome*, nor Officers, can take any Criminal from thence, or Prosecute any that are there: That the Ambassadour there has power, and those that are with him, to fight and kill any that shall (though with the Popes Authority) pursue a Criminal thither, nor that they are any ways obliged to deliver those Offenders into the hands of Justice at all. And this *Monsieur Talon* maintains to be an unalienable right of the Crown of *France*, from which that King will never depart, and which Parliament of *Paris* has desired him to maintain.

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At this indeed the Christian World might be sufficiently allarm'd; And is undoubtedly very much surprised to see, that Magistrates so enlighten'd as those Gentlemen of the Parliament of *Paris* pretend to be; should ever in the face of the Christian World presume to defend and maintain a pretension so highly unjust as that of the *Franchises* in *Rome*: and it is as hard for us to understand how all those persons that were consulted in that case, could be so blinded; how they could come to lose all the use of Reason they had, how they could so oppose common sence, as to confound that ridiculous pretension of *France*, so contrary to all Laws Humane and Divine, with the Law of Nations as they do, and that crudely too, without any qualification or limitation at all. If the *King of France* had pretended to have had some particular Sovereignty in *Rome*, or some Territory, some part of *Rome* to himself with a Right to Judge Criminals that might be taken there, and determine such causes as might be brought thither; such a right as this, (though the most ridiculous in the World, and without the least appearance of Justice, (yet in this respect) would be more supportable then that other of the Franchises, because in such a Right or Jurisdiction as this, Criminals at least would not be sheltered, but at some rate or other might be brought to Condign Punishment, though by different Lords, yet in all parts of *Rome*.

But this is a Right which the *French Ambassadour* has not yet thought of, though we have reason enough to believe that the *King of France* does not want, neither in his Court, nor in his Parliament, no, nor in his Counsel of Conscience neither, those that would be ready enough to set up this Extravagant Pretension too, if they found the King were but inclined to it; They would tell him that *Charlemain* and other of his Predecessors, Kings of *France*, having Established that Sovereignty of the Pope in *Rome*, the least thing this Great Prince their Successor can pretend to, would be modestly to divide that Sovereignty with the Pope, and especially, if his Majesty were so moderate as to limite that Sovereignty to the Quarters only of Ambassadors aboad in *Rome*.

Monsieur Talon does not drive so far as this: but only maintains, that although the *King of France* has no kind of Sovereignty in *Rome*, yet from the very moment that a Criminal goes into the *French* Ambassadors Quarters, which Quarters of his comprehend ample Squares, a great circuit of Streets, and Houses, yet whatever Crime

Crime it is that he has committed, he can be no further purſued by any Juſtice in *Rome*, nay, without ever being Tryed or Judged, without ever being Pardoned, his crime is abſolutely extinguiſhed, and he abſolved from the very moment that he ſets his Foot upon the Territory of the Ambaſſador of *France*.

But pray, let us put the caſe that other Ambaſſadors did pretend to the ſame right of Franchiſes in *Rome* as *Monſieur Lavardin* does (and certainly they might as well as he) if they all Entred *Rome* in Triumph; if every one kept Garriſon in their own Quarters as *Monſieur Lavardin* did, to defend their pretended Franchiſes. A *Banditt* that ſhould Aſſaſſinate one of *Monſieur Lavardins* Train, or a Notable Thief that ſhould get an opportunity to run away with his Cupboard of Plate, ſuch a Murtherer or Thief would have no more to do then to run to another Ambaſſadors with his Booty, and both Thief and Murtherer would be clear of their crimes: I hardly believe *Monſieur Lavardin*, as Zealous as he is now for that right of his Maſters, would then be ſo unconcerned in his own, as to think that his Maſter then or any Prince elſe could have any right at all to ſuch Miſchievous Priviledges, as ſuch a protection of Murtherers and Thieves. Then under the ſmart of his own loſſes, his Eyes would be ſo opened, he would think the Franchiſes the moſt inſupportable grievance in the World, and finde his great Maſter out, ſome better things to protext, then Crimes, and ſome better ſort of men to favour then Murtherers and Thieves, and would be eaſily brought to conceive that theſe pretended Franchiſes were truly as much; and with as great reaſon to be aboliſh'd as ſome of thoſe obſolete rights of ſome particular Lordſhips in *France*, which were with reaſon deſtroyed becauſe they were contrary to good Morality, to the Law of Nature, and Nations too..

And yet this is that ſpecious Right which *Monſieur Talon* pretends to maintain. And if we ſhould ask him what he grounds it upon; ſince he finds nothing like it neither in his own Memorials, nor thoſe of the Court neither, he is feign to draw his foundations into a Narrow compaſs; and therefore tell us only of Three Ambaſſadours that have been in poſſeſſion of that right, and of an Article of Treaty made at *Piſa*, betwixt Pope *Alexander the Seventh*, and the King of *France* that now is, which ſays nothing leſs, nay, which indeed ſays quite contrary to what they would have it ſay. But we muſt follow *Monſieur Talon* cloſe in the narrow compaſs he has taken of grounds to find out the bottom of theſe pretenſions.

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To ſettle the grounds of this Priviledge therefore, Firſt, I ask *Monſieur Talon* whether he owns the Pope for Sovereign Prince in *Rome*, or if he dare conteſt the Sovereignty with him? He dares not conteſt it, and if he did, we are able to make appear that this Sovereignty has been Eſtabliſhed and owned many Ages before the Race, from whence the preſent *King of France* came, and had poſſeſſion of the Throne.

Now if the Pope be Sovereign Lord of the Eccleſiaſtical State, with the higheſt Sovereignty, as much as any Crowned Head whatſoever, without holding either of the Emperour, or any other Crown, we muſt examine and ſee how the preſent *King of France* can come to pretend to any right in the middle of *Rome*, the Capital City of the Eccleſiaſtical State.

This is a thing moſt undeniable, nay, even amongſt the Civil Lawyers of *France* themſelves, that the Right of Sovereignty is impreſcriptible: So *Monſieur le Bret* Advocate General, ſpeaks of it in his Treaty of Sovereignty, where he clearly demonſtrates that the Right of Sovereignty is inviolable, and that the *Cenſinary* poſſeſſion, as they call it, or the enjoyment for many Ages can make no preſcription againſt Sovereignty. Now ſince the power of Life and Death, and of puniſhing the guilty, is as *Monſieur le Bret* obſerves too very well, the moſt important power that any Sovereign has: The Pope being Sovereign Lord in *Rome* with the higheſt Sovereignty that can be, and owned for ſuch by all Chriſtian Princes ſufficiently in that great reſpect they pay the Pope by their Ambaſſadours giving place to his *Nuncio's* wherever they meet. It follows neceſſarily that the Pope has an Abſolute and undeniable right to apprehend and chaſtice the guilty, throughout the whole extent of the Eccleſiaſtical State, eſpecially in *Rome* the Capital City, and conſequently that the pretended poſſeſſion of the Ambaſſadour of *France* is but a meer Uſurpation, and that but of ſhort time, which of whatever continuance it were, according to their own Civilian's Opinion, can never preſcribe againſt the Abſolute, and ſo long Eſtabliſhed Sovereignty of the Pope. Now let *Monſieur Talon* conſider with himſelf how he Pleads for his own Sovereign the *King of France*, and whether he does not defend the right of his Sovereignty to be impreſcriptible and inalienable; and then pray let him tell us in how different a Ballance he weighs Sovereignty, when he pleads againſt *Rome*, and the Sovereignty of the Pope; yet Abſolute Sovereignty certainly is, or ought

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to be every where the ſame. How would they treat the Pope's *Nuncio* in *France*, if he ſhould once pretend to ſuch Franchiſes as *Monſieur Lavardin* does in *Rome*? yet Soveraign Rights are reciprocall ſo far that as one Soveraign uſes another, ſo the other ought to uſe him; And ſince the Law of Nations ought to be the rule of the Priviledges which belong to Ambaſſadours in Generall; the Ambaſſadour of *France* can pretend to no more priviledge in *Rome* then the *Nuncio* of the Pope may pretend to at *Paris*. *Monſieur Talon* would do well to conſult upon this point, *Grotius de Jure belli ac pacis*, and then perhaps he may frame a more reaſonable idea, and truer, of the Priviledges and Immunities of Ambaſſadours, then he made of his own head, when he firſt undertook to defend the Uſurpation of the Ambaſſadour of *France*. Since it is therefore clear, that the Pope being an abſolute Sovereign, and a Sovereign that holds not of any, and does homage to none, and that has ſo abſolute a Sovereign Power, that neither ſuffers attaint, nor is preſcriptible: The power of apprehending and puniſhing Criminals, which is the importanteſt part of his Sovereign Power, ought to be alſo impreſcriptible. And therefore *Monſieur Talon* muſt firſt deſtroy the abſolute Sovereignty of the Pope, before e can rob him of the right of apprehending and puniſhing Criminalls in any part of *Rome*, or from taking them from the houſes of Ambaſſadours themſelves; much leſs ſhould he abuſe the Officers of the Pope that come to execute his Juſtice there.

But now let us ſee more in particular upon what *Monſieur Talon* grounds his pretended priviledge of Franchiſes in *Rome*: Either he defends it as a right inſeparable from any Ambaſſadour in generall, or elſe a right attach'd particularly to the Ambaſſadours of *France*. Again, either he pretends to that right in all the Courts of Chriſtendom where the *French* Ambaſſadours come, or elſe only in the Court of *Rome*, and there as belonging only to the *French* Ambaſſadour too, and no other. And then it may be ſuppoſed, that in *Rome* only he pretends, becauſe that it is an Eccleſiaſticall State, where the Sovereign has neither the will, nor perhaps the power to reſiſt the formidable power of the moſt Chriſtian King. Finally, whether he pretends to this right by priviledge, or by conceſſion of Popes; whither he pretends to it by Title in Fee, or Conqueſts, or by *Tranſactions* and *Concordat*, or elſe meerly by a poſſeſſion that the *French* Ambaſſadours have had

of this pretended right for about twenty years; *Monsieur Talon* does not tell us on which of all these he grounds his Title.

If it be upon the bare title of Ambassador, as Ambassador, and no more, then all Ambassadours ought to have that same priviledge in all Courts. Yet *France*, 'tis thought would hardly be brought to yield to such a priviledge as that, though all other States did.

But if it be meerly upon the account and right of the Ambassadour of *France*, and a right that he dares pretend to neither in no place but *Rome*, we may with reason enough ask him, upon what he grounds his Chimericall pretensions? He can make out no Title at all. For first, there's no *Concordat* or Transaction made betwixt the Pope and King of any such thing. There is not any Donation that bears it. The Kings of *France* never Conquered the City of *Rome*, nor none ever gave it the Pope upon that Condition. We say nothing of the Treaty of *Pisa*, because *Monsieur Talon* himself speaks but a word of it passing, and lets us sufficiently understand that he dares not himself rely upon so ruinous a Foundation as that; for the question was not then of the Franchises which we dispute of now, but there having been some Insolencies committed by the *Coxsers*, the business was how to provide for the security of the Ambassadour's House and Family for the future: which was then promised. But this was only to secure the Ambassadour and his Family, there was no mention of Franchises, such as are now pretended to. What was the securing of the Ambassadour's Family and himself, to the securing of *Banditts* and all sorts of Criminals? To which I may safely add, and can prove it by Writings, that there was indeed then some mention made of endowing the place or Square before the Palace of *Farnesius* with the Priviledge of Franchise, but the Pope that then was, *Alexander the Seventh*, absolutely refused to grant any such thing.

Monsieur Talon then at last is reduced, in the proofs of his Franchises, barely to the Possession or rather Usurpation of three Ambassadours, of which we deny that two of the three were ever in the absolute Possession of any such thing. The first manifest Usurpation therefore of that right of Franchises has been but since the time of the Duke *D'Estrée*. 'Tis very well known how in the time of *Clement the Tenth* to vex that Pope, and his Principal Ministers, all Forreign Ambassadours that were then in *Rome*, were induced and engaged violently to make themselves Masters of their Quarters, and

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take poſſeſſion: But this violent poſſeſſion which they took then contrary to ſo many Bulls, and in deſpight of the Pope's reſiſtance, can that ground a preſcription againſt an Abſolute Sovereign in his own Dominions? And though forced by the exigence perhaps of the preſent times, or for other reaſons beſt known to himſelf, that Uſurpation was endured or rather diſſembled for a time: Muſt the Pope never therefore defend the Rights of his Sovereignty? How many Rights and pretenſions to Rights has the *King of France* ſet up that his Predeceſſours never thought of?

But that which is moſt remarkable in this buſineſs, is, that though our Lord the Pope knew very well, that there was no abuſe in the City of *Rome* that made more noiſe then this did, nor that had more need of a Remedy, yet he would not do it haſtily, nor with a high hand, but with all the ſweetneſs that might be, and as inſenſibly as he could. The Pope repreſented it to the King either at the departure or at the death of the Ambaſſadours concerned; and with ſo much Prudence it was carried, that no Officers of Juſtice ever appeared about the Palace of *Farneſius*, not only while the Duke *D'Eſtrée* was there, but not as long as his Body lay in the Houſe, which is a moſt evident ſign that the Pope did not publiſh his Bull againſt the pretended Franchiſes on purpoſe to affront the *King of France*, but rather out of a motive of Juſtice, for the ſecurity of the Publick, and for the quiet of his Capital City, by taking from Criminalls all hopes of impunity by ſuch Priviledge as the *French* now pretend to in ſo conſiderable a part of the City of *Rome*, as all that belongs to the Palace of *Farneſius* is. Nor yet did the Pope come to the publication of thoſe Bulls, 'till he had long and to no purpoſe made many earneſt Addreſſes by his *Nuncio* to obtain of the *King of France* that his Ambaſſadours might depart from that unreaſonable pretence of the Priviledge of Franchiſe in *Rome*.

Thus his Holineſs carried himſelf in the publication of his Bull, and yet chiefly for Publiſhing that Bull, *Monſieur Talon* calls the Pope Enemy to *France*—— *Opiniatre*, Friend to all that oppoſe *France*, Supporters of Hereticks, eſpecially the *Janſeniſts* and *Quietiſts*.

But that which indeed is to be wonder'd at more then all, is, that whilſt the King of *France* profeſſes ſo great a Zeal for Religion, as ſo effectively to reduce all the Diſſenters of his Kingdom to the boſom of the Church, his Officers in the mean while uſe their utmoſt endeavours to aſperſe the head of the Church,

and to obſcure the glorious reputation of the Sacred See. And this perhaps is a thing as ſtrange as that, and which after ages will hardly believe, that the Magiſtrates and Officers of a King who Governs with ſuch Juſtice and Authority in his own Dominions, ſhould ſtrive to tear from an Abſolute Sovereign the Pope, in the middle of *Rome*, a power to erect under pretence of Franchiſes, an *Aſylum* for all ſorts of Villany, againſt all Right, or without any ground in the World. 'Twould better have become ſo great and ſo Chriſtian a King as his Majeſty of *France*, to have employed his power to have ſupported ſo good a Pope as this, and one that has done ſo much for the Exaltation of the Chriſtian name; to have ſeconded his Piety, to have ſtrengthen'd his Holy intentions; and to have maintained the *Roman* Church in that Authority and ſplendor which was given it by God.

Monſieur Talon at laſt pretends, that the queſtion betwixt King and Pope, being of Franchiſes of Quarters only, was a thing meerly Temporal; and therefore ſince the Pope cannot be Judge in his own cauſe, he could not Publiſh a Bull of Excommunication againſt thoſe that ſhould eſtabliſh the Franchiſes; the moſt he could offer at, would be to forbid it under pain of High Treaſon as his Predeceſſours had done.

Perhaps if there were now that reſpect had to the Majeſty of Sovereignty, which formerly has been, or to the Head of the Church, either, it may be that the ſetting up of thoſe pretended Privileges would have been forbidden only under pain of High Treaſon, and no more.

But at preſent things are in that Condition in Chriſtendom, that his Holineſs thought it neceſſary to employ all the Strength and Authority of the Chriſtian Church, to ſtop ſo Scandalous a diſorder as that, and yet that cannot do, neither. For to our great grief, we ſee that the Churches Authority with all her ſevereſt cenſures is now trod under foot, and Catholicks themſelves ſpeak as contemptibly of 'em, as the worſt part of *Calviniſts* do, nor are Sentiments of Juſtice and Religion ſufficient to prevail with thoſe men, who have engaged his Majeſty of *France* in this indefenſible and ſcandalous point now in queſtion.

But let us go on to ſatisfy *Monſieur Talon* in his other difficulties. I ſay therefore, the Pope does not appear Judge in his own cauſe, by publiſhing his Bull, any more then the *King of France* is his

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own Judge by publiſhing his Declaration in ſuch things as regard the Government of his own Dominions, nor is he any more Judge there in his own cauſe then the Parliament of *Paris* is, when they maintain their own Juriſdiction: The Pope as Sovereign makes a Bull for the Government of *Rome*, to maintain Order and Juſtice there; This Bull is executed but only in the Pope's Dominions, and therefore it neither was, nor is neceſſary to be ſignified in *France*, nor to *Monſieur Lavardin*; nor was publiſhed there any more then the Edicts of the *King of France*, are publiſhed out of *France*, or ſignified to any Ambaſſadors. And yet thoſe Edicts in *France* are Executed without contradiction, or without any bodies complaining that the *King of France* is Judge in his own cauſe.

But we ſee very well what they aim at in *France*, they would have the Pope lookt upon in regard of Kings, only as a Lord of the Fee, or as a Vaſſal in regard of his Sovereign. But they are extremely miſtaken, for both the Spiritual and Temporal Power of the Pope are independant of all the Kings and Emperours that are upon the Earth: he holds both his Powers immediately of God. And therefore if Kings and other Princes with ſo great obſtinacy defend their Pretenſions, and thoſe ſometimes ill enough grounded too, why ſhould not the Pope with as great reſolution defend and preſerve that both Spiritual and Temporal Authority which God hath put in his hands? And though perhaps he may not make uſe of thoſe Temporal Arms which he has, or might have, if he pleaſes to repell the violence of thoſe infamous Calumnies and inſults with which they attack him: yet he has other ways of defending thoſe rights with which God has entruſted him, which amongſt good Chriſtians ought to be more formidable then Temporal Arms: the Prayers which he pours forth before God, the Sacrifice he offers, and the Tears which he ſheds to beg the Protection of that God, whoſe Vicar he is, and in whom only he truſts; under the omnipotent hand of which God, the moſt powerfull Kings ought to tremble, eſpecially thoſe who take upon 'em to attack the Saints, and Vicars of Chriſt, *Timeat orationem, qui non timuit exhortationem.*

But ſtill *Monſieur Talon* maintains that no perſon whatſoever can be Excommunicated for Temporal things. I anſwer him therefore to that point, that the Pope does not Excommunicate for Temporal things, but for Enormous Sins, and for the Crimes that are occaſioned by Temporal things: As for Example, nothing can be more

more Temporal then Silver and Gold, and yet the Canons of *France* as well as those of the Universal Church Excommunicate those Sacrilegious Thieves who steal Silver or Gold out of the Churches.

But pray reflect a little; do not the Parliaments of *France* oblige the Officials sometimes by Vertue of the New Codex, to give their Monitory Letters, and in pursuance to fulminate their Excommunications for things meerly Temporal? So, though the question of the Ambassadours Quarters in *Rome*, were a business meerly Temporal, yet the Crime they commit in attributing to those Quarters of theirs a Franchise of that Mischievous Nature, so unjustly as they do, may justly be punished with Excommunication. But certainly this I think must pass with our Adversaries themselves for certain enough; that the Usurpation of any thing that belongs to the Church, is an Enormous Crime, and a Sacrilege that deserves to be punished with Excommunication: The Canons made in those Ancient Councils of *France*, which *Monsieur Talon* affirms to have been called by the only Authority of Kings, and the Capitulars of *Charlemain*, and *Charles* the bauld, Pronounce *Anathema's* against all those that Invade, that Plunder or Usurp the Tyths or any Rights, Lands, Rents, or Jurisdictions belonging to the Church. These Councils and Capitulers both, put all sorts of Goods, Rights, and Jurisdictions belonging to the Church all in the same rank of things that are Consecrated to God, and of which consequently the Usurpation must be a Sacrilege that deserves to be struck with *Anathema*: and if the least Lordships or Jurisdictions that belong to Bishops or Abbots, are all received for the Holy things according to the Holy Canons; who can deny that the right of Sovereignty in *Rome*, which so many Ages with the consent and applauses of all Christendom, has ever belonged to the Sacred See, is a thing so Sacred that it cannot be violently torn from the Pope without committing such Sacrilege as deserves to be punished with Excommunication?

Nor is this a matter meerly Politick as *Monsieur Talon* pretends, where Religion has nothing to do: for the matter it self cannot be a Prophane, but must be a Sacred thing. For, let the Pope have acquired that Sovereignty in *Rome* in what manner you will, he and his Predecessours have enjoyed it many Ages, and our Adversaries must of necessity grant that that Sovereignty changed its State and Condition from the very first moment in which it was given and Consecrated to God

God, and of a Prophane, became a Sacred thing, and therefore even according to the Canons of the Councils held in *France*, and Convocated only by Kings as I mentioned above, the Uſurpation of that Sacred Sovereignty is Sacrilegious, and may be puniſhed with Excommunication.

Therefore though *Charlemagne*, and the other Predeceſſours of the preſent King of *France* had given formerly to the Pope all that extent of Land which he now enjoys; though all the Sovereignty the Pope has in *Rome*, and the whole Eccleſiaſtical State came wholly from the Liberality of that Prince, and the Emperours of *France*, which yet the moſt Eminent Hiſtorians of *France*, and amongſt the reſt *Monſieur de Marca*, denie; I ſay, though it did, yet that Dominion and Sovereignty being now Conſecrated to God, and given to the Head of the Church, without any limitation or reſerve of right whatſoever to any Superiour Sovereign in the world, no Perſon in the world, can upon any pretence whatſoever Uſurp thoſe Rights of Sovereignty, and rob the Pope of a Right ſo many Ages poſſeſſed by the Head of the Church, without deſerving to be treated like a Sacrilegious Perſon, and Uſurper of the Rights of the Church, of ſuch Rights as no Perſon can meddle with, without incurring Excommunication, even according to thoſe Antient Canons and Councils of *France*, which I cited above, and which the Pope now in his Bulls againſt the Franchiſes, did but only Execute and renew. And certainly if the Pope had not uſed thoſe utmoſt endeavours, and interpoſed his Authority in the higheſt manner that could be, to put a ſtop to that Miſchievous protection or Villany in *Rome*, he might have been thought to have betrayed the Rights of the Sacred See, and that power of the Church which God has truſted in his hands: and of which to God he muſt give an account.

FINIS.